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EXAMINER

DUNCAN, MARC M

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 05/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,367

Applicant(s)

OCHIAI, SHINICHI

Examiner

Marc M Duncan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 16, 17, 18, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 7-15 and 19-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

FINAL REJECTION

Status of the Claims

Claim 18 is rejected under 35 USC 112, second paragraph.

Claims 1, 3, 4, 5, 6, 16, 17 and 23 are rejected under 35 U.S.C. 102(e).

Claims 2 and 24 are rejected under 35 U.S.C. 103(a).

Claims 7-15 and 19-22 are objected to.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 18, the term "substantial operation mode" renders the claim indefinite. It is unclear as to what a substantial operation mode entails.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 5, 6, 16, 17 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Buzsaki.

Regarding claim 1:

Buzsaki teaches a fault management table for storing operation mode information indicating an operating mode of the information processing system and a type of the fault handling processing corresponding to the detected fault in the information processing system, the operation mode information being related with the type of the fault handling processing in col. 2 lines 58-66, col. 3 lines 2-6, col. 5 lines 58-59, col. 5 lines 65-66 and col. 6 lines 5-7.

Buzsaki also teaches a fault handling facility for determining the operation mode information and for obtaining the type of the fault handling processing corresponding to the operation mode information determined from the fault management table in the Abstract lines 10-12, col. 5 lines 65-66 and col. 6 lines 5-7.

Regarding claim 3:

Buzsaki teaches a fault handling section including a module for providing the fault handling processing in col. 4 lines 39-42.

Buzsaki teaches the fault handling facility notifying the fault handling section of the type of the fault handling processing obtained in col. 4 lines 39-42.

Buzsaki further teaches the fault handling section starting the module for providing the type of the fault handling process notified in col. 39-42.

Regarding claim 4:

Buzsaki teaches the type of the fault handling processing including a type of fault information recording processing for recording the fault detected in col. 4 line 43-col. 5 line 6.

Buzsaki also teaches the fault management table including a fault information recording management table for storing the operation mode and the type of fault information recording processing, the operation mode information being related with the type of fault information recording processing in col. 5 lines 58-59 and col. 6 lines 6-7.

Regarding claim 5:

Buzsaki teaches the type of the fault handling processing including a type of the fault recovery processing for in col. 6 lines 6-7.

Buzsaki teaches the fault management table including a fault recovery management table for storing the operation mode and the type of fault recovery processing, the operation mode information being related with the type of fault recovery processing in col. 5 lines 58-59 and col. 6 lines 6-7.

Regarding claim 6:

Buzsaki teaches an operating status input section for inputting the operating status of the information processing system in col. 3 lines 2-6.

Buzsaki teaches the fault handling facility inputting the operating status being inputted from the operating status input section and determines the operation mode information according to the operating status inputted in col. 3 lines 2-6, col. 5 lines 65-66 and col. 6 lines 4-7.

Regarding claim 16:

Buzsaki teaches defining operation mode information indicating an operating mode of an information processing system and a type of fault handling processing corresponding to a fault in the information processing system in col. 2 lines 58-66, col. 3 lines 2-6, col. 5 lines 58-59, col. 5 lines 65-66 and col. 6 lines 5-7.

Buzsaki teaches storing the operation mode information and the type of the fault handling processing defined, the operation mode information being related with the type of fault handling processing in col. 2 lines 58-66, col. 3 lines 2-6, col. 5 lines 58-59, col. 5 lines 65-66 and col. 6 lines 5-7.

Buzsaki teaches detecting a fault in the information processing system in col. 5 lines 63-64.

Buzsaki teaches obtaining operation mode information of the information processing system when the fault is detected in the Abstract lines 10-12, col. 5 lines 65-66 and col. 6 lines 5-7.

Buzsaki teaches determining the type of fault handling processing corresponding to the operation mode information obtained in Abstract lines 10-12, col. 5 lines 65-66 and col. 6 lines 5-7.

Buzsaki further teaches handling the fault detected by using the type of fault handling processing determined in col. 6 lines 4-7.

Regarding claim 17:

Buzsaki teaches classifying the detected fault in the information handling system into one of a plurality of fault types in col. 6 lines 1-6.

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Buzsaki teaches determining the operating mode of the information handling system in the Abstract lines 10-12, col. 5 lines 65-66 and col. 6 lines 5-7.

Buzsaki teaches determining a fault handling process from among a plurality of fault handling processes based on the determined fault type and the determined operating mode of the information handling system in the Abstract lines 10-12, col. 5 lines 65-66 and col. 6 lines 5-7.

Buzsaki teaches executing the determined fault handling process to handle the fault in col. 6 lines 4-7.

Regarding claim 23:

Buzsaki teaches wherein the fault handling processes include processes for outputting fault information and processes for correcting the fault in col.4 line 53-col. 5 line 17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buzsaki in view of Batra.

Regarding claims 2 and 24:

The teachings of Buzsaki are outlined above.

Buzsaki does not expressly teach fault class information indicating a degree of seriousness of the fault detected. Buzsaki does, however, teach detecting fault information, determining error handling parameters, outputting error handling parameters to a fault handling facility, storing error handling parameters and a fault handling facility inputting error handling parameters and obtaining the type of fault handling processing corresponding to the error handling parameters.

Batra expressly teaches error handling parameters including fault class information indicating a degree of seriousness of the fault detected in the Abstract lines 4 and 7-8 and col. 2 lines 9-11.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the fault class information of Batra with the error handling parameters of Buzsaki.

One of ordinary skill in the art at the time of invention would have been motivated to combine the teachings because Buzsaki teaches error handling parameters that are used to determine a type of fault handling processing to be utilized and states that the parameters can be "other factors selected by the user" in col. 3 lines 5-6. Batra teaches that assigning severity levels of a fault is necessary for choosing fault handling

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processing because some faults are critical problems that must be addressed immediately, while others are problems that may simply cause a more severe disruption in the long run in col. 4 lines 15-20.

Allowable Subject Matter

Claims 7-15 and 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Prior art was not found that explicitly teaches or fairly suggests determining an operation mode based on an attached device as outlined in claim 7. Prior art was not found that explicitly teaches or fairly suggests determining an operation mode based on the type of system configuration as outlined in claim 9. Prior art was not found that teaches determining the operation mode based on the fault detected as outlined in claim 14. Prior art was not found that explicitly teaches or fairly suggests wherein the operating mode is dependent upon a connection status of a peripheral device as outlined in claim 19. Prior art was not found that explicitly teaches or fairly suggests wherein the operating mode is dependent upon a status of a second information handling system connected to the first system in a duplex system configuration as outlined in claim 20. Prior art was not found that explicitly teaches or fairly suggests wherein the operating mode is dependent upon whether a software module has been recently updated as outlined in claim 22. Other claims indicated as allowable are indicated as such because they depend from either claim 7, 9, 14 or 20. These claims

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are considered allowable only when taken in combination with the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 3/7/04 have been fully considered but they are not persuasive.

Regarding applicant's argument that the Buzsaki reference does not teach the fault handling type being related to an operation mode of the computer, the examiner respectfully disagrees. The software process being executed by the information handling system defines the operation mode of the system, i.e. if the system is running a test suite then the system is in test mode, etc. The Buzsaki reference teaches the fault handling processing type being associated with the software process being executed, as has been established by the examiner and the applicant. This teaching of Buzsaki is equivalent to the operation mode teaching of the claims as currently amended.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc M Duncan whose telephone number is 703-305-4622. The examiner can normally be reached on M-T and TH-F 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 703-305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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